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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

VERNON T. JOHNSON et al.,

Defendants and Appellants.

B209800

(Los Angeles County
Super. Ct. No. BA304246)

ORDER MODIFYING OPINION
AND DENYING REHEARING
PETITION

[NO CHANGE IN JUDGMENT]

THE COURT:*

It is ordered that the opinion filed herein on November 17, 2009, be modified as follows:

On page 15, delete the text of lines 3-23 in its entirety and insert the text: “Mr. Grant was shot as he attempted to park. Mr. Grant immediately drove away. After making a few turns, Mr. Grant noticed the Mustang driven by Mr. Bennett following him. Shots were fired at him and his brother, Mr. Kelly. Ms. Metzger recalled that as Mr. Bennett drove her Mustang, she saw a small cream, silver, or tan car drive off to the side or in front of them. Ms. Metzger did not notice anything significant at the time. However, when the small car drove faster, Mr. Bennett drove faster and followed the car. Thereafter, Mr. Bennett told Ms. Metzger to “duck.” Ms. Metzger put her head down. It was not until she did so that Ms. Metzger began to hear gunshots from the area where Mr.

Bennett was standing in the driver's seat. This evidence suggests that as Mr. Njie testified, the first shot was fired from the Saturn that Mr. Johnson drove. When Mr. Bennett came upon the scene, he then pursued Mr. Grant's car and began shooting out of the open sun roof."

On page 15, line 24, insert the text "In addition," before the word "Detective."

No change in the judgment.

*TURNER, P.J.

MOSK, J.

KRIEGLER, J.